

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLAYMORE INC., PUBLISHERS,

Plaintiff,

v.

WALDMAN PUBLISHING CORP.,

Defendant.

07 CV 3057

JUDGE SAND
ORDER TO SHOW CAUSE FOR
~~PRELIMINARY INJUNCTION~~

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 04-16-07

Upon the affidavits of Richard B. Cohen, sworn to the 16th day of April, 2007,
 Jon K. Horwich, sworn to the 15th day of April, 2007, and Richard Baldassarre, sworn to
 the 12th day of April, 2007, the exhibits annexed thereto, and upon the copy of the
 complaint annexed hereto, it is

ORDERED, that the above named defendant WALDMAN PUBLISHING CORP.

show cause before a motion term of this Court, at Room 15A, United States
 Courthouse, 500 Pearl Street, in the City, County and State of New York, on April 17,
 2007, at 3:15 o'clock in the afternoon noon thereof, or as soon thereafter as counsel may
 be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of
 Civil Procedures:

(1) enjoining the defendant WALDMAN PUBLISHING CORP., its officers,
 agents, attorneys, servants, and employees, and those acting in concert and participation
 with them, including without limitation, the law firm of Proskauer Rose LLP, from

(a) making any statements that, in sum and substance, falsely claim or
 assert that WALDMAN PUBLISHING CORP. is sole owner of, and/or that
 plaintiff PLAYMORE INC., PUBLISHERS has no ownership interest in, works

or titles of which plaintiff PLAYMORE INC., PUBLISHERS has a 50% ownership interest in the copyright and trademarks, i.e., works and titles which bear the indication on them that plaintiff and defendant are joint owners of the copyright and trademarks (the "Works");

(b) interfering in any way with plaintiff PLAYMORE INC., PUBLISHERS's rights, titles and interests in copyright and/or trademarks of the Works, including without limitation wrongfully stating to printers, vendors and/or customers of plaintiff PLAYMORE INC., PUBLISHERS and/or WALDMAN PUBLISHING CORP., that plaintiff PLAYMORE INC., PUBLISHERS has no ownership interest in copyright and/or trademarks in the Works or that WALDMAN PUBLISHING CORP. has sole ownership of the copyright and/or trademarks in the Works;

(c) interfering in any way with plaintiff PLAYMORE INC., PUBLISHERS's publishing any or all of the Works;

(d) selling or shipping the inventory currently in the Massachusetts warehouse to any party other than Playmore or customers with orders with Playmore, or Playmore and Waldman; and

(2) declaring that:

(a) defendant is not the sole owner of rights, titles, and interests, including all copyright and trademark rights, in and to all published works and original art work incorporated into said published works where Waldman and Playmore are both indicated as being the copyright owners of the works;

(b) plaintiff is 50% owner of all rights, titles, and interests, including all copyright and trademark rights, in and to all published works and original art work incorporated into said published works where Waldman and Playmore are both indicated as being the copyright owners of the works; and
(3) directing Waldman to ship inventory in the Massachusetts warehouse to all customers who placed orders with Playmore prior to March 16, 2007; and it is further

ORDERED that security in the amount of \$ _____ be posted by the plaintiff prior to _____, _____, at _____ o'clock in the noon of that day; and it is further

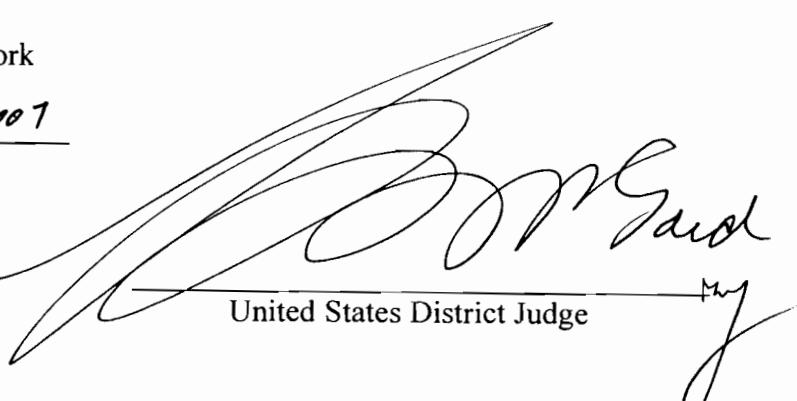
ORDERED that service by hand delivery of a copy of this order and annexed affidavits and exhibits upon the defendant or its counsel on or before April 17, 2007 at 3:00'clock in the after noon, shall be deemed good and sufficient service thereof; and it is further

ORDERED that opposing papers, if any, shall be served upon plaintiff's attorneys so as to be received no later than April 19, 2007 at 10:00'clock in the fore noon.

DATED: New York, New York

ISSUED:

April 16, 2007
3:00 PM


United States District Judge